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ADMINISTRATION OF THE LAW IN ENGLAND AND IRELAND,
COMPARED.

It is too much the custom of us Irish to dispraise our native institutions, and to extol the institutions of other countries. In no respect has this failing been more strikingly displayed than in the disparaging comparisons which have been made between Ireland and England, as to the means afforded to the people of the two countries for obtaining cheap and expeditious justice. On this score, a fair comparison will shew that the Irish have infinitely less to complain of than the English, and that if there be evils, they exist not in the institutions but in the men themselves. To begin with local jurisdiction, a subject which has excited much attention in England from the strenuous efforts of Mr. Brougham to establish county courts, on a plan more beneficial to the community than if he had restored them to their ancient dignity and splendour. There is little originality in this attempt, praiseworthy though it be—for Sir Matthew Hale, in his thoughts touching the amendment of the laws, advocates the adoption of a system similar in principle to that proposed by Mr. Brougham. The evil in the sister country is this, that the whole business of Quarter sessions, so extensive and important, and involving the administration of the poor laws, is committed to the magistrates of the district. The decisions on the poor laws are so numerous, so nice and so conflicting, as not unfrequently to puzzle the judges of the king's bench themselves, and render it difficult in the extreme even for well-read lawyers to extract the justice of the case out of the miserable technicalities with which it is encompassed and obscured. Take, for example, a single branch of the poor laws—the laws of settlement, to enable a man to understand which, or to entitle him, as a judge, to preside at their administration, would require him to be thoroughly skilled in the laws of real property, in the rules for the construction of wills, and in the operation of legal conveyances. Can there be conceived, then, absurdity more gross than that of consigning the administration of so perplexed a system to magistrates, who, upon the authority of a long practitioner at sessions, we may safely pronounce to be as ignorant, obstinate, and prejudiced a set of men as ever existed. Their blunders are the subject of continual mirth to the barristers who practice at sessions. After half an hour's study of "Burns' Justice," they believe themselves to be consummate lawyers, equal to any task, eager to discuss knotty points of practice, and attempt the reconciliation of the most opposite opinions. They adopt the most ridiculous notions, which they maintain with inflexible obstinacy—imagining that thereby they display a proper spirit, and uphold the character and dignity of the bench. Of the law of evidence they know just enough to mislead them, without having the most distant conception of its rules and principles; receiving what they should reject, and rejecting what they should admit, they continue with admirable ingenuity to bewilder themselves, and perplex a plain case, which is finally, and at great expense, referred to the court above for their correcting opinion. In Ireland, a barrister presides at quarter-sessions, uninfected with local prejudices, and fully competent to investigate and decide any case which may come before him. These gentlemen, the assistant barristers for counties, are honest, intelligent, and impartial, dispensing justice with uprightness and ability. How

absurd would it have been conceived, if, on the recent occasion of the new registry of freeholds, country magistrates had been required to decide on the title of freeholders, infinitely more absurd is it to invest magistrates with authority to administer the poor laws, as is at present the case in England. The game laws too, that fertile source of criminal convictions, in which it is alleged, with but too much appearance of reason, that the magistrates are in truth parties as well as judges, is another pregnant evil from which Ireland is exempt; and in the *petty sessions*, which give at once publicity and dignity to the daily administration of justice, we likewise claim a vast superiority. We maintain, then, that whatever other evils the peasantry of Ireland have to complain of, they cannot complain of the want of impartial and expeditious justice administered to them at their very doors. Next—what are the evils in Westminster-hall, which Mr. Brougham seeks to remove? The monopoly of serjeants in the common pleas, and the exclusion of attorneys from practising in the exchequer—evils which must indispensably be obviated in order to lessen the quantity of business which overpowers the court of king's bench. In Ireland there is no monopoly in the common pleas, and the exchequer court is open to all attorneys; and better still, the king's bench is not overpowered with business—so that it appears the advantage is in favour of Ireland. With respect to the judges, Sir Anthony Hart would, doubtless, be offended, were he told he was *as good* an equity lawyer as lord Lyndhurst, and with some reason; our master of the Rolls is better than the English vice-chancellor. Lord Tenterden, the English lord chief justice, is a rare instance of transcendent talent and fitness for his situation, but few we believe would feel disposed to quarrel with our own bland and scholar-like chief. Our lord Plunket is in every respect superior to chief justice Tindall; and our chief baron is in no respect inferior, as a lawyer, to chief baron Alexander. That there is not so much business to be done in our courts is also beneficial to the public, though unpleasant for the bar, who have ample leisure to indulge in the charms of polite literature, or if they prefer it, may delight themselves with more abstract speculations. As to the black letter lore of the profession, in the two countries, we do not believe that in this respect the Irish bar is inferior to the English, that is the portion who practise in Westminster-hall. For this position we may cite the authority of Mr. Tyrrell, a learned conveyancer, one of the real-property commissioners, who has published a most interesting work on the subject of legal reform, somewhat in opposition to the book of Mr. Humphrey. Mr. Tyrrell asserts that one of the great evils of the present system is, that questions of real property are discussed in Westminster-hall, by those who do not understand them, as there is but one practising barrister who is intimately acquainted with them, and that is Sir Edward Sugden:—so that if we have *two* barristers who comprehend this abstract and difficult science, we are better off than our English brethren. This brief comparison may be useful, if it teach any portion of our countrymen not too hastily to condemn every thing Irish, and to believe that there are some excellencies in our legal institutions, which even our English neighbours would be glad to borrow from us, if those who are deeply interested in “things as they are” could be persuaded to throw aside their selfishness, and aid the cause of national reform.